

**James Madison to Joseph Jones, November 25,
1780. Transcription: The Writings of James Madison,
ed. Gaillard Hunt. New York: G.P. Putnam's Sons,
1900-1910.**

TO JOSEPH JONES.¹

1 From the Madison Papers (1840).

Philadelphia, November 25, 1780.

Dear Sir, —I informed you some time ago that the instructions to Mr. Jay had passed Congress in a form which was entirely to my mind. I since informed you that a committee was preparing a letter to him explanatory of the principles and objects of the instructions. This letter also passed in a form equally satisfactory. I did not suppose that any thing further would be done on the subject, at least till further intelligence should arrive from Mr. Jay. It now appears that I was mistaken. The Delegates from Georgia and South Carolina, apprehensive that a *uti possidetis* may be obtruded on the belligerent powers by the armed neutrality in Europe, and hoping that the accession of Spain to the alliance will give greater concert and success to the military operations that may be pursued for the recovery of their States, and likewise add weight to the means that may be used for obviating a *uti possidetis*, have moved for a reconsideration of the instructions in order to empower Mr. Jay, in case of necessity, to yield to the claims of Spain in consideration of her guaranteeing our independence, and affording us a handsome subsidy. The expediency of such a motion is further urged, from the dangerous negotiations now on foot, by British emissaries, for detaching Spain from the war. Wednesday last was assigned for the consideration of this motion, and it has continued the order of the day

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ever since, without being taken up. What the fate of it will be I do not predict; but, whatever its own fate may be, it must do mischief in its operation. It will not probably be concealed that such a motion has been made and supported, and the weight which our demands would derive from unanimity and decision must be lost. I flatter myself, however, that Congress will see the impropriety of sacrificing the acknowledged limits and claims of any State, without the express concurrence of such

State. Obstacles enough will be thrown in the way of peace, if it is to be bid for at the expense of particular members of the Union. The Eastern States must, on the first suggestion, take the alarm for their fisheries. If they will not support other States in their rights, they cannot expect to be supported themselves when theirs come into question.

In this important business, which so deeply affects the claims and interests of Virginia, and which I know she has so much at heart, I have not the satisfaction to harmonize in sentiment with my colleague.¹

¹ Colonel Theoderick Bland. He and Madison were the only two delegates from Virginia then in attendance on Congress. Their differences on this subject culminated in the following request for instructions:

His Excellency Thomas Jefferson Esqr. Governor of Virginia

Philadelphia, December 13th. 1780.

Sir,—The complexion of the intelligence received of late from Spain, with the manner of thinking which begins to prevail in Congress with regard to the claims to the navigation of the Mississippi, makes it our duty to apply to our constituents for their precise, full and ultimate sense on this point. If Spain should make a relinquishment of the navigation of that river on the part of the United States an indispensable condition of an alliance with them, and the State of Virginia should adhere to their former determination to insist on the right of navigation, their delegates ought to be so instructed, not only for their own

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satisfaction, but that they may the more effectually obviate arguments drawn from a supposition that the change of circumstances, which has taken place since the former instructions were given, may have changed the opinion of Virginia with regard to the object of them. If, on the other side, any such change of opinion should have happened, and it is now the sense of the State that an alliance with Spain ought to be purchased even at the price of such a cession if it can not be obtained on better terms, it is evidently necessary that we should be authorized to concur in it.—It will also be expedient for the Legislature to instruct us in the most explicit terms whether any and what extent of territory on the East side of the Mississippi and within the limits of Virginia, is in any event to be yielded to Spain as the price of an alliance with her.—Lastly, it is our earnest wish to know what steps it is the pleasure of our Constituents we should take, in case we should be instructed in no event to concede the claims of Virginia either to territory or to the navigation of the above-mentioned river, and Congress should without their concurrence agree to such concession.

We have made use of the return of the Honble. W. Jones to H. Carolina to transmit this to your Excellency, and request that you will immediately communicate it to the General Assembly.

We have the honor to be, with the most perfect respect and esteem, Yr. Excellys. most obt. & humble servants,

James Madison, Junr.

Theok. Bland

The foregoing is a true copy of a document communicated by Governor Jefferson to the General Assembly, and filed in my office.

Wm. Mumford, Keeper of the Rolls.— *Mad. MSS.*

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Richmond, Augt. 31st. 1819

He has embraced an opinion that we have no just claim to the subject in controversy between us and Spain, and that it is the interest of Virginia not to adhere to it. Under this impression, he drew up a letter to the Executive, to be communicated to the Legislature, stating in general the difficulty Congress might be under, and calling their attention to a revision of their instructions to their delegates on the subject. I was obliged to object to such a step, and, in order to prevent it, observed that the instructions were given by the Legislature of Virginia on mature consideration of the case, and on a supposition that Spain would make the demands she has done; that no other event has occurred to change the mind of our constituents, but the armed neutrality in Europe, and the successes of the enemy to the southward, which are as well known to them as to ourselves; that we might every moment expect a third delegate here, who would either adjust or decide the difference in opinion between us, and that whatever went from the Delegation would then go in its proper form and have its proper effect; that if the instructions from Virginia were to be revised, and their ultimatum reduced, it could not be concealed in so populous an Assembly, and that every thing which our minister should be authorized to yield, would be insisted on; that Mr. Jay's last despatches encouraged us to expect that Spain would not be inflexible if we were so, that we might every day expect to have more satisfactory information from him; that finally if it should be thought expedient to listen to the pretensions of Spain, it would be best, before we took any decisive step in the matter, to take the counsel of those who best know the interests, and have the greatest influence on the opinions, of our constituents; that as you were both a member of Congress and of the Legislature, and were now with the latter, you would be an unexceptionable medium for effecting this, and that I would write to you for the purpose by the first safe conveyance.

These objections had not the weight with my colleague which they had with me. He adhered to his first determination, and has, I believe, sent the letter above-mentioned by Mr. Walker, who will, I suppose, soon forward it to the Governor. You will readily conceive the embarrassments this affair must have cost me. All that I have to ask of you is, that if

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my refusing to concur with my colleague in recommending to the Legislature a revision of their instructions should be misconstrued by any, you will be so good as to place it in its true light; and if you agree with me as to the danger of giving express power to concede, or the inexpediency of conceding, that you will consult with gentlemen of the above description, and acquaint me with the result.

I need not observe to you that the alarms with respect to the inflexibility of Spain in her demands, the progress of British intrigues at Madrid, and the danger of the *uti possidetis*, may with no small probability be regarded as artifices for securing her object on the Mississippi. Mr. Adams, in a late letter from Amsterdam, a copy of which has been enclosed to the Governor, supposes that the pretended success of the British emissaries at Madrid is nothing but a ministerial

finesse to facilitate the loans and keep up the spirits of the people.

This will be conveyed by Col. Grayson, who has promised to deliver it himself; or, if any thing unforeseen should prevent his going to Richmond, to put it into such hands as will equally ensure its safe delivery.